

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 2:21-cr-21-TPB-MRM

JACOB F. PALMER, III,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on consideration of the report and recommendation of Mac. R. McCoy, United States Magistrate Judge, entered on November 23, 2021. (Doc. 63). Judge McCoy recommends that Defendant's "Motion for Pre-Trial Suppression Hearing and Memorandum of Law in Support Thereof" (Doc. 26) be granted in part and denied in part. Specifically, Judge McCoy recommends that the motion be granted to the extent it seeks an Order suppressing the Victoria's Secret credit card and the Cheesecake Factory gift card. Judge McCoy further recommends that the motion be denied to the extent it seeks any greater or different relief, including the suppression of the checks and the Christmas card. On January 7, 2022, Defendant filed an objection. (Doc. 69).

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must "make a de novo determination of those portions of the [report and recommendation] to which an objection is made." 28 U.S.C. § 636(b)(1)(C).

Upon due consideration of the record, including Judge McCoy's report and

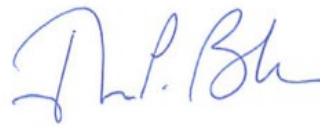
recommendation, the Court adopts the report and recommendation in all respects. The Court agrees with Judge McCoy's detailed and well-reasoned factual findings and legal conclusions. Consequently, the motion to suppress is granted in part and denied in part.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) Judge McCoy's report and recommendation (Doc. 63) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Defendant's "Motion for Pre-Trial Suppression Hearing and Memorandum of Law in Support Thereof" (Doc. 26) is hereby **GRANTED IN PART** and **DENIED IN PART**.
- (3) The motion is **GRANTED** to the extent that evidence including and related to the Victoria's Secret credit card and the Cheesecake Factory gift card will be suppressed.
- (4) The motion is **DENIED** to the extent it seeks any greater or different relief, including the suppression of the checks and the Christmas card.

**DONE** and **ORDERED** in Chambers, in Fort Myers, Florida, this 17th day of February, 2022.



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**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**